

**Testimony on House Bill 5103 – Revised Judicature Act of 1961**

PROVIDED BY JANE BAIS-DISESSA

TO THE JUDICIARY COMMITTEE

OCTOBER 27, 2011

Dear Members of the Judicial Committee:

Thank you for allowing me to testify today on HB 5103. While we support the bill's efforts to consolidate judgeships; our concerns center around its potential to create an unfunded mandate on the City of Berkley.

**Background:**

For nearly 50 years, District Court 45-A has had jurisdiction over general civil litigation matters up to \$25,000 and in small claims matters of \$3,000 or less. The court also hears cases involving garnishment proceedings, evictions, land contract disputes and mortgage foreclosures. Arraignments and preliminary exams for felony cases are heard in the court, as are bench trials, jury trials, and sentencing on all misdemeanor cases. The court also sets bonds and issues search warrants in criminal matters. All traffic case violations (civil infractions and traffic misdemeanors) occurring in the City of Berkley are heard by the District Court 45-A.

The District Court 45-A is located immediately across the parking lot from the city's Public Safety Building. This direct access has proven to be beneficial by:

1. Minimizing overtime of public safety officers;
2. Providing immediate security to the court; and
3. Eliminating the need for prisoner transfer costs between the jail and the court room.

**Background - Berkley Public Safety Department:**

Since its inception in 1985, the use of the public safety model has saved the City of Berkley approximately \$1.6 million annually. This model allows all sworn public safety officers to provide both police and fire services. We are proud to say that our response time is excellent in terms of staffing, equipment, and timing. While approximately 95% of all department responses and activities are police related, officers carry their fire gear with them in order to respond to fire calls. It is imperative that, should a fire call occur public safety officers must be available within the city's limits in order to maintain exceptional response times. Therefore, a court consolidation that would require our officers to leave our community will jeopardize the caliber and efficiency of our operations.

**Potential Economic Impact - Loss of Revenue and Increased Expenditures:**

Should the City of Berkley be required to physically move from its current location, it could cost the city upwards of \$199,000 in just first year implementation costs alone. This includes associated facility closing expenses. Additionally, we estimate a minimum annual loss of revenues, combined with increased expenses, to the detriment of approximately \$105,000 every year thereafter. Also, the city would stand to lose its Court Building Improvement Fund, resulting in additional revenue losses of \$72,000 annually.

**Potential Need for New Court Facility:**

In addition to the cost figures already mentioned, it is possible that the construction of a new court facility would be required. Currently there is no one courthouse large enough to consolidate to a single location. For example, Oak Park's Probation Department is currently housed in a trailer on the front lawn of their City Hall. Furthermore, Berkley's existing court chambers are small and already shares its space to conduct City Council meetings. It could never absorb the entire reconfigured court district as outlined in the consolidation plan. Therefore, if we are required to consolidate to one court building, whether in Berkley or Oak Park, there would be significant costs to construct additional facilities in either community.

**Given today's tough economic times, this unfunded mandate would certainly place a tremendous financial burden on the residents of the City of Berkley.**

**Recommendation:**

The City of Berkley supports the merging of District Courts 45 A & B, and the loss of one district court judge through attrition. It is our recommendation that additional language be added to HB 5103 which would allow consolidating municipalities to negotiate agreements within their communities that allow for feasible docket management and fiscal efficiencies.

Again, thank you for the time your time in hearing our suggestions to strengthen House Bill 5103. Mr. David Sabuda, Berkley Finance Director, and I would be pleased to address any questions you may have.